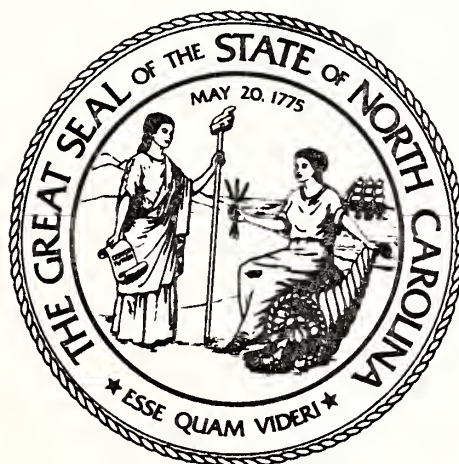


STUDY
COMMISSION
REPORTS

File # 119

STATE OF NORTH CAROLINA



GOVERNMENTAL EVALUATION COMMISSION REPORT
ON
NORTH CAROLINA BOARD OF LANDSCAPE ARCHITECTS

APR 24 1979

INSTITUTE OF GOVERNMENT
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TABLE OF CONTENTS

	Page
SUMMARY	ii
RECOMMENDATIONS	iv
CONCLUSIONS	iv
FINDINGS	v
INTRODUCTION TO GEOVERNMENTAL EVALUATION COMMISSION	1
SCOPE OF THE EVALUATION	3
HISTORICAL BACKGROUND	6
EVALUATION ELEMENTS	8
TABLE 123
TABLE 223
TABLE 324
TABLE 425
TABLE 527



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SUMMARY

As directed by Chapter 143, Article 1.1 of the General Statutes, the Governmental Evaluation Commission has conducted its evaluation of the North Carolina Board of Landscape Architects, created by Chapter 89A of the General Statutes.

The present act prohibits a person from using the title "*landscape architect*" without being registered as a landscape architect. This type of regulatory statute is called a "title" act, as distinguished from a "practice" act which regulates the practice of an occupation or profession.

The Commission concludes that the prohibition of the use of the title of "*landscape architect*" except by a registered landscape architect will protect the public from potential serious harm.

By statutory definition, landscape architecture means the preparation of plans and specifications and supervising the execution of projects involving the arranging of land and the elements used thereon for public and private use and enjoyment, embracing drainage, soil conservation, grading and planting plans and erosion control, in accordance with the accepted professional standards of public health, safety and welfare. Its practitioners possess obvious artistic abilities and design skills.

The "practice" of landscape architecture is not regulated by the state. Unlicensed persons can practice landscape architecture, as long as they do not use the designation "*landscape architect*", "*landscape architecture*", or "*landscape architectural*" or advertise any title or description tending to convey the impression that they are a "*landscape architect*".

The recommendation to add public members to policymaking positions on all regulatory Boards is possibly the foremost contribution this Commission can make in the public's interest. It is often through the

adoption of the rules and regulations by the various Boards that special interest groups will get their way at the expense of the public. The composition of the Boards should reflect those characteristics necessary to deal with major threats to the public interest.

The Commission recommends that Chapter 89A of the General Statutes, entitled "*Landscape Architects*" be reestablished with a regulatory Board of four (4) landscape architects and three (3) lay members, instead of the present five (5) landscape architects.

Governmental Evaluation Commission
Report on Landscape Architects

RECOMMENDATIONS:

1. The provisions of General Statute Chapter 89A entitled "*Landscape Architects*" should be re-established with a regulatory Board of seven (7) members, four (4) of whom have been engaged in the practice of landscape architecture in this state for at least five years, and three (3) of whom are lay members who represent the interest of the public at large.
2. The Commission recommends that the Board be reviewed by the General Assembly before July 31, 1985.

CONCLUSIONS:

1. The Commission concludes that the prohibition of the use of the title "*landscape architect*" except by a registered landscape architect will protect the public from potential serious harm.
2. The Commission concludes that public representation on the Board of Landscape Architects is necessary to protect the public from the threat of professional domination of the Board at the expense of the public interest.

Governmental Evaluation Commission
Report on Landscape Architects

FINDINGS:

1. The Commission finds that the statute regulating landscape architecture is a "title" act, which prohibits a person from using the title of landscape architect without being licensed as a landscape architect.
2. The Commission finds that the main function of the Board is licensing by examination. In addition to licensing by examination, the Board licenses by reciprocity and through a grandfather clause. There are currently 232 registered landscape architects in North Carolina. Of that same number, 72% were licensed under the grandfather clause.
3. The Commission finds that there have been no complaints from the public of harm resulting from the practice of unlicensed persons in the arrangement of land.
4. The Commission finds that the Board has not found cause to suspend or revoke a license, and there has been one person placed on probation.
6. The Commission finds that state and local soil and water conservation laws affecting land use make mandatory provisions for acceptable soil practices, but the burden of compliance is on the landowner.
7. The Commission finds that while the lack of representation of technical competence and professionalism on the Boards would be a major threat to the public interest, industry or professional domination of the Boards poses a threat of similar magnitude, in that the public needs may be neglected.

INTRODUCTION TO GOVERNMENTAL EVALUATION COMMISSION

Chapter 143, Article 1.1, of the General Statutes terminates the regulation of various occupations. By repealing the laws establishing them, a number of boards and commissions that license or regulate occupations are scheduled to be terminated every two years. One-third of the total of these agencies will cease to exist on July 1, 1979, unless re-established by the General Assembly.

The statute requires that prior to termination each agency be reviewed by the Governmental Evaluation Commission. The Commission is charged with conducting a "performance evaluation of each program or function scheduled for termination."

Upon completion of the evaluation, the Commission will submit a report to the General Assembly, including a recommendation as to whether the program or function in question, and the responsible agency, "should be terminated, reconstituted, re-established, or continued with or without modification of the relevant statutes."

The statute states that the Commission's basic determination is "*of the need for continuance of an agency program or function*", and that it shall use 13 listed evaluation elements in making its determination. The Commission is not limited to the use of the 13 elements in determining the presence of a public need for the continuance of a program or agency.

The Commission was authorized to employ a staff to help it in its work. The staff will conduct an evaluation and report its findings to the Commission in a staff report. The agencies may be given the opportunity to appear before the Commission and respond to the staff report. After making any modifications it believes desirable, the Commission will adopt a Proposed Commission Report.

The statute requires that public hearings be held on the proposed report, after a notice of the substance of the report and other details of the hearing is published. Upon completion of the hearing and consideration of the submitted evidence and arguments with respect to this evaluation, the Commission shall adopt its final recommendations. These recommendations will then be submitted to the General Assembly for its deliberation.

SCOPE OF THE EVALUATION

The purposes of the evaluation process are stated in the statute creating the Governmental Evaluation Commission.

§143-34.10. Findings and purposes. - The General Assembly finds that state government actions have produced a substantial increase in numbers of agencies, growth of programs, and proliferation of rules and regulations and that the whole process developed without sufficient legislative oversight, regulatory accountability, or a system of checks and balances. The General Assembly further finds that by establishing a system for the termination, continuation, and re-establishment of such agencies, it will be in better position to evaluate the need for the continued existence of existing and future regulatory bodies.

A recommendation on the "need for the continued existence of existing....regulatory bodies" is the end product of this evaluation process. An evaluation of "need" for the continued existence must focus on the public benefits resulting from the continued existence of a program or agency. The benefits to the persons the agency regulates are not reasons for continuing the agency.

In focusing on "need" the inevitable question that must be considered is: What is the harm to the public if there is no regulation of the occupation?

It can be argued that some possible harm is present in allowing unlicensed persons to serve the public in any occupation or capacity. There is always some risk that a member of the public will choose the wrong person in a selection process where there is no knowledge of competency or honesty. However, this selection process is a hallmark and strength of the free enterprise system.

On the other hand, regulation in any form, by any means, is

restrictive of certain individual liberties protected by Article 1.1 of the North Carolina Constitution, which provides that all persons are afforded rights of "life, liberty, and the enjoyment of the fruits of their own labor, and the pursuit of happiness." The state, through its police power, may enact legislation which invades these rights only if there is a real and substantial relationship between the legislation and the protection of the public health, safety, or welfare.

In the evaluation process, the underlying question asked by the legislature can be stated: Is this regulation a proper exercise of the state's police power? Is the public need for regulation sufficient to justify making available to the regulatory body the authority of the State of North Carolina to imprison, to fine, and to deprive the right of earning a living to a person who violates the regulatory statute? The regulatory statute makes available to the agency, for enforcement, the State Judiciary, the State Attorney General, the police, and the power to collect money for use of the agency.

The evaluation question to be answered could be stated another way: Does this regulatory statute protect the public from potential serious harm so that if there were no statute, serious harm would be done to the public's health, safety, or welfare?

The key words are "serious harm". If the answer to the evaluation question is "No", then there is no public need for the program or agency and the statute must not be continued.

If the answer is "Yes", then the Commission must look at all parts of the program and agency to determine if they are doing what the statute

calls for them to do in an efficient and effective manner.

The General Assembly is the final authority on the recommendations of the Commission. A Committee of Reference in each House of the General Assembly will hold a public hearing on the recommendations relating to each agency. In the hearing the agency has the burden of demonstrating a public need for the continued existence of the agency and its program or function.

HISTORICAL BACKGROUND OF THE NORTH CAROLINA LANDSCAPE ARCHITECT'S STATUTE

Landscape architecture has been practiced in the United States since Frederick L. Olmstead, Sr., the "father" of American Landscape Architecture, designed New York's Central Park in the 1850's. California was the first state to adopt an act requiring the registration of landscape architects, doing so in 1953.

The American Society of Landscape Architects (ASLA) is a national organization representing the profession of landscape architecture in the United States. The society was founded in 1899 by the followers of Olmstead, and has national headquarters in McLean, Virginia.

The society supports legislation of interest to the profession, and publishes material of interest to landscape architects. The society serves as the accrediting body for schools of landscape architecture.

In 1961, a nationwide coordinating body for landscape architects was established. This body, the Council of Landscape Architectural Registration Board (CLARB) was created to facilitate the exchange of information among state boards, and to formulate and implement reciprocal licensing arrangements. The objective of the CLARB is "to promote high standards of landscape architectural practice to foster the enactment of uniform laws pertaining to the practice of landscape architecture; to equalize and improve standards for examinations; to compile, maintain, and transmit professional records to member boards for registered landscape architects desiring this service; and to certify records and recommend registration for landscape architects who meet the standards of this council for interstate and/or foreign registration."

North Carolina enacted Chapter 89A of the General Statutes, entitled *Landscape Architects*, in June, 1969. This statute created the North Carolina Licensing Board for Landscape Architects, and provides for the registration and licensing of persons wishing to use the title "*Landscape Architect*". The statute prohibits the use of the designations landscape architect, landscape architecture, or landscape architectural unless the person is registered as a landscape architect.

The restrictions found in the statute in no way affect the rights of licensed architects or engineers and land surveyors. However, the statute does not give the landscape architect authority to practice engineering and land surveying or architecture.

The North Carolina Licensing Board for Landscape Architects consists of 5 members appointed by the Governor. Each member must have been engaged in the practice of landscape architecture in this state for at least five years.

The practice of landscape architecture is defined by the statute as being the "preparation of plans and specifications and supervising the execution of projects involving the arranging of land and the elements used thereon for public and private use and enjoyment, embracing drainage, soil conservation, grading and planting plans, and erosion control."

At present there are 35 states that regulate landscape architects. Fifteen states, including North Carolina have a separate licensing board. Twenty states regulate the profession through governmental departments. Thirty-two of the states regulating the occupation, including North Carolina, administer the national examination prepared by CLARB. Twenty-three states, including North Carolina, require that licenses be renewed annually. At the end of fiscal year 1977-78, there were 239 licensed individuals in the state with 5 corporations holding certificates of registration.

EVALUATION ELEMENTS

The statute lists 13 evaluation elements to be used in making a determination of the need for continuance of an agency program or function. The statute specifically allows other evaluation elements to be used.

The performance evaluation of the Board of Landscape Architects using the 13 elements follows:

EVALUATION ELEMENT #1

*AN IDENTIFICATION OF THE OBJECTIVES INTENDED FOR THE
AGENCY PROGRAM AND THE PROBLEM OR NEED WHICH THE PROGRAM
WAS INTENDED TO ADDRESS.*

There are no clearly defined legislative objectives intended for the Board of Landscape Architects in the statute other than restricting the use of the designation, "landscape architect", "landscape architecture", or "landscape architectural" by a person not registered and licensed by the Board.

The need which the program was intended to address was the use of the professional designations by a person who does not have professional training in the arranging of land and the elements used on the land for public and private use and enjoyment.

EVALUATION ELEMENT #2

AN ASSESSMENT OF THE DEGREE TO WHICH THE ORIGINAL OBJECTIVES OF THE AGENCY PROGRAM HAVE BEEN ACHIEVED EXPRESSED IN TERMS OF PERFORMANCE, IMPACT, OR ACCOMPLISHMENTS OF THE PROGRAM AND OF THE PROBLEM OR NEED WHICH IT WAS INTENDED TO ADDRESS. SUCH ASSESSMENT SHALL EMPLOY PROCEDURES OR METHODS OF ANALYSIS WHICH THE COMMISSION DETERMINES TO BE APPROPRIATE TO THE TYPE OR CHARACTER OF THE PROGRAM.

The original objectives of the agency program have been achieved. The misleading use of the professional designations by a non-registered person is not now a problem. One case of a licensee engaging in prohibited conduct was handled by administrative action.

EVALUATION ELEMENT #3

A STATEMENT OF THE PERFORMANCE AND ACCOMPLISHMENTS OF THE AGENCY PROGRAM IN THE LAST FISCAL YEAR AND OF THE BUDGETARY COSTS INCURRED IN THE OPERATION OF THE PROGRAM.

The statute creating the Board of Landscape Architects is characterized as a title act as compared to a practice act. The act does not prohibit the practice of landscape architecture by non-registered individuals, but only prohibits the use of the title "landscape architect"

without a license. This minimizes any policing function the Board might serve. Since 1973, the Board has processed a total of 9 complaints resulting in 1 disciplinary hearing and 1 order of probation. (See Table 1) Administering the examination for a license is a large part of the agency program. Upon satisfaction of the statutory qualifications and upon payment of an examination fee, the applicant is entitled to sit for the qualifying examination.

The Board uses the uniform national examination prepared by the Council of Landscape Architectural Boards. This examination is offered once a year. The test is divided into four sections: (a) history, (b) professional practices, (c) design, and (d) design implementation. Although an applicant must pass each section before he is certified, he may elect to take only one part or any number of parts on a given examination day. The applicant is not required to be re-tested on any section of the exam he has previously passed.

The Board of Landscape Architects spent \$8,539.87 during fiscal year 1978. Administrative salaries, attorney fees, and board member travel and per diem accounted for over 75% of the budgetary costs of operation. A budgetary breakdown by costs and function is shown in Table 5.

EVALUATION ELEMENT #4

A STATEMENT OF THE NUMBER AND TYPES OF PERSONS SERVED BY THE AGENCY PROGRAM.

The Board of Landscape Architects kept no records of the number of persons served by its 232 licensees. Its other records show that a

variety of organizations have employed landscape architects for both recreational and commercial purposes. Such organizations include municipalities, real estate development companies, universities, and park agencies.

EVALUATION ELEMENT #5

A SUMMARY STATEMENT, FOR THE LAST COMPLETED FISCAL YEAR, OF THE NUMBER BY GRADE, AND COST OF PERSONNEL EMPLOYED IN CARRYING OUT THE AGENCY PROGRAM AND A SUMMARY STATEMENT OF THE COST OF PERSONNEL EMPLOYED UNDER CONTRACT IN CARRYING OUT THE PROGRAM.

The Board has no employees. The Board contracts annually with an office assistance company for secretarial and clerical support. During the last fiscal year, the Board paid \$3,358.47 for these services and paid \$2,500.00 to its attorney as an annual retainer fee.

EVALUATION ELEMENT #6

AN ASSESSMENT OF THE DEGREE TO WHICH THE OVERALL POLICIES OF THE AGENCY PROGRAM, AS EXPRESSED IN THE RULES, REGULATIONS, ORDERS, STANDARDS, CRITERIA, AND DECISIONS OF THE AGENCY MEET THE OBJECTIVES OF THE GENERAL ASSEMBLY IN ESTABLISHING THE PROGRAM.

This evaluation element focuses primarily on the rules and regulations of the agency along with the objectives as stated by the Board. In

conducting this review, a comparison was made between the rules, regulations, and objectives of the agency, and the original statutory intent as identified in evaluation element #1. Statements of objectives were obtained from the agency in response to written questions. In assessing the extent to which the present rules and objectives of the agency reflect the original intent of the General Assembly, regulatory functions were divided into two categories, licensing and enforcement. A review was made of the original social, economic, and legal intent of the statute in relation to the present rules and objectives of the agency.

In the statute, there are no clearly defined legislative objectives intended for the Board of Landscape Architects. The statute is a title act. The statute regulates use of the title "Landscape Architect", but does not prohibit unlicensed practice of the profession. Consequently, the Board's authority extends only to those persons who wish to call themselves landscape architects.

The objectives of the Board as stated by the agency are to assure minimum standards of competency of an applicant before he is licensed as a landscape architect, and to protect the public from irresponsible and incompetent practitioners.

The practice of landscape architecture includes "the preparation of plans and specifications and supervising the execution of projects involving the arranging of land and the elements used thereon for public and private use and enjoyment, embracing drainage, soil conservation, grading and planting plans and erosion control."

To be a licensed landscape architect, the applicant must submit an examination application on the prescribed form accompanied by the examination fee.

The Board is given discretionary authority to issue temporary licenses. Licenses are issued by reciprocity to non-resident license holders if the certification requirements of the applicant's state of residence are equivalent to the requirements of North Carolina. If the state of a non-resident does not license landscape architects, the applicant must show proof that he has met the educational and experience requirements of the North Carolina Act in order to take an oral examination. Licenses and certificates may be renewed annually by paying the renewal fee.

ENFORCEMENT:

Enforcement activities of the Board are restricted to administrative hearings, revocation or suspension of licenses, and applying for injunctive relief for violation of the Act.

The Board is empowered by statute to deny, suspend, or revoke a license on grounds of dishonest practice, unprofessional conduct, incompetence, conviction of a felony, or addition to habits of such character as to render him unfit for professional practice. Revoked or suspended licenses may be reinstated upon written application by the licensee showing cause justifying relicensing or reinstatement, and on approval by a majority vote of the Board.

The regulations allow for administrative hearings when an individual believes his rights, duties, or privileges have been or may be affected by the Board action. Any person aggrieved by the final Board decision is entitled to judicial review.

Because the North Carolina Landscape Architects' Licensing Law is

a title act, members of the public are not protected from incompetent practitioners. The Board's enforcement powers are restricted because the agency does not have the power to regulate the practice of the profession. The entry requirements are rigorous, but there are no requirements that licensees reconfirm their competency. The Board has not had the occasion to revoke any licenses on grounds of incompetency since its inception. The regulations do not make any provisions for the filing of complaints by the public against licensed practitioners.

The Board perceives its objectives as being the administration of competency examinations, licensing, registration of professional corporations, and issuing certificates by reciprocity. The Board rates this objective as an effort of 75 out of a possible total of 100 points. The second objective of the Board, which constitutes the remaining 25 points of effort is policing. This objective encompasses revocation or suspension of certificates and monitoring violations of the act.

However, should the Board find cause to revoke a license, the licensee could continue to practice landscape architecture. The only punishment is to deny the licensee the use of the title "*landscape architect.*"

EVALUATION ELEMENT #7

*AN ASSESSMENT OF THE EFFECT OF THE AGENCY PROGRAM
ON THE STATE ECONOMY INCLUDING COSTS TO CONSUMERS
AND BUSINESSES.*

It is difficult to determine how much the licensing of landscape architects affects the state economy. Licensing by examination in any profession tends to limit the number of people in the field. However, with landscape architects this is not necessarily true. Since the statute is a title act, anyone who fails the examination can practice the profession without being licensed if he uses a title other than landscape architect.

Another economic impact is the number of persons practicing the profession. In North Carolina there are 232 licensed landscape architects, however, 111 of these licensees practice out of the state. In effect, there are only 121 licensed landscape architects practicing in North Carolina. We have no reliable way of discovering the amount of landscape architecture being practiced legally by unlicensed persons. We have no reliable way of discovering the proportion of landscape architecture being done by licensed persons in relation to the work being done by unlicensed persons.

By the nature of the so-called "design" professions, including landscape architecture, the consumers of their services are usually from a group willing to bear the additional cost. The consumer passes these design costs on to the user of his services, or to the next purchaser of the property. These design costs are present, whether the designer

is licensed or unlicensed. How much cost to the consumer and businesses is caused by the agency program has to be an unknown figure. Nevertheless, in any licensing scheme there is some economic cost to bear by the public. The licensee passes on to the consumer the expenses incurred by entering a licensed profession as well as income not earned while gaining experience and meeting the educational requirements. Having only a title act does not eliminate these costs altogether. A title act does not necessarily restrict the supply of persons in the profession, but having a licensing requirement of any sort does have the potential of increasing the cost to the consumer. While economic impact of licensing of landscape architects may be minimal, it does exist.

An obvious cost to the public of the agency program is the statutory licensing fee paid to the agency by landscape architects. These are:

Application fee	\$25.00
Examination fee	50.00
License by reciprocity	50.00
Renewal fee	25.00
Late renewal penalty	10.00
Re-issuance certificate	10.00
Temporary permit	25.00

Total receipts and expenses are shown in Table 4 for FY-78-79, the income and expenses are budgeted at \$12,636.34.

The unmeasurable costs to state government are those expenses resulting because the agency is created by state action. Although unmeasurable, they add to the total cost of state government. Specific attention by the Attorney General's office is an obvious cost. Another unmeasurable potential cost to state government includes the possible use of the Judicial Branch to enforce the Board's decisions. These are always present in state agency operations.

Few could argue that poor land arranging presents no potential serious harm to the state economy. However, the licensing of the use of the title *landscape architect* has no direct effect on the state economy.

It can be argued that there are no state revenue funds used by an agency. This argument misses the point of the legislative finding stated in the evaluation statute which is, "that state government actions have produced a substantial increase in numbers of agencies, growth of programs, and proliferation of rules and regulations...", without sufficient legislative oversight. This is not to say that spending of state tax money is not an element of evaluation of an agency, but the key words are "state government actions." Although most regulatory boards do not use state budgeted money, they do have the full power of the state behind them to enforce their statutory powers and their regulations, and they do benefit from license fee money mandated by state action in the statute.

EVALUATION ELEMENT #8

*AN EVALUATION OF THE REPORTING AND RECORD-KEEPING
REQUIREMENTS AND ACTIVITIES OF THE AGENCY PROGRAM
INCLUDING THE MANAGEMENT AND CONTROL OF INFORMATION
AND RECORDS AND THE VALUE OF THE INFORMATION GATHERED
COMPARED TO THE COST TO RESPONDENTS, AND AN ASSESSMENT
OF METHODS TO REDUCE AND SIMPLIFY THE REPORTING AND
RECORD-KEEPING REQUIREMENTS.*

EVALUATION ELEMENT #8 (Cont'd.)

The Board does not require any reporting or record-keeping on the part of the licensees or the public. The major paper flow is the processing of new applications and the renewal of licenses.

Processing of complaints is a minor part of the work of the Board and happens only at irregular times.

EVALUATION ELEMENT #9

*A SUMMARY STATEMENT OF THE BUDGET AND PROGRAM OF THE
AGENCY FOR THE CURRENT FISCAL YEAR AND BUDGET PRO-
JECTIONS FOR THE NEXT SUCCEEDING FISCAL YEAR IF THE
PROGRAM WERE TO BE CONTINUED.*

An analysis of the budget projections for 1978-79 shows no significant changes in the agency's financial picture. Total expenses are estimated to increase from roughly \$8,500.00 to \$11,900.00. The increase is primarily attributable to a deferral of certain debts from the last fiscal year. (See Table 4)

If the Board of Landscape Architects were to be continued, it is expected that renewal fees will provide approximately 75% of the Board's revenue and that expenses for administrative services and attorney fees will account for nearly 60% of the current operating costs.

EVALUATION ELEMENT #10

*AN ASSESSMENT OF WHETHER THE AGENCY HAS PERMITTED
QUALIFIED APPLICANTS TO SERVE THE PUBLIC, AND
WHETHER THE AGENCY HAS ENCOURAGED PARTICIPATION
BY THE PUBLIC IN MAKING ITS RULES AND DECISIONS,
AS OPPOSED TO PARTICIPATION SOLELY BY THE PERSONS
IT REGULATES.*

To become registered or licensed as a landscape architect in North Carolina, the statute requires that the applicant, (1) be a citizen of the United States; (2) be at least 21 years of age; (3) be of good moral character; (4a) have graduated from a four year course of study in landscape architecture in a college approved by the Board; (4b) completed at least three years apprenticeship under the supervision of an experienced practicing landscape architect; (5) have obtained such equivalent combination of education and experience as may be prescribed by the Board as a substitute for the requirements enumerated in number 4 above.

The Board uses the uniform national examination prepared by the Council of Landscape Architectural Registration Boards. This examination is offered once a year. The test is divided into four sections: (1) history, (2) professional practices; (3) design; and (4) design implementation. Although an applicant must pass each section before he is certified, he may elect to take only one part or any number of parts on a given examination day. The applicant is not required to be re-tested on any section of the exam he has previously passed.

In fiscal year 1978, six applicants elected to take full examinations while ten applicants elected to take partial exams. This total number is indicative of examination participation in recent years. On an average, fifty percent (50%) of those taking full examinations have been successful while only twenty-nine percent (29%) of those taking partial exams have been successful. (See Table #1) During 1978, a total of ten licenses were granted under the examination process or by reciprocity. (See Table #1)

The low passing rate of this examination found in this and other states raises the possibility that the test is inadequate to measure the knowledge and skills used in the practice of landscape architecture. A review of the national exam revealed few indepth analytical questions and a large number of questions of memory recall of answers and questions requiring mathematical ability not related to the knowledge and skills to be used in the field.

The absence of public members on any regulatory board invites a potential conflict of interest that the Board has the interest of its licensees above those of the public.

EVALUATION ELEMENT #11

AN EVALUATION OF THE EXTENT TO WHICH OPERATION
HAS BEEN EFFICIENT AND RESPONSIVE TO PUBLIC NEEDS.

The North Carolina Board of Landscape Architects has been in existence almost nine years. In that length of time the Board has only had one consumer complaint against a licensee. In addition, there has been one formal complaint by a licensee against a brother licensee. The Board does not conduct active inspections to discover possible violations. All complaints handled by the Board are initiated outside the Board.

The lack of consumer complaints would seem to indicate that the public does not demand consumer protection in the profession of landscape architecture. If there is any such demand it is not sought from the Licensing Board.

To answer this evaluation element it is helpful in the analysis procedure to ask: *"What would the result be if there were no licensing board or rules and regulations concerning the use of the designation 'Landscape Architect'."*

EVALUATION ELEMENT #12

AN EVALUATION OF THE EXTENT TO WHICH COMPLAINTS
HAVE BEEN EXPEDITIOUSLY PROCESSED TO COMPLETION
IN THE PUBLIC INTEREST.

The Board has had only one consumer complaint since its creation. This complaint was filed formally with the Board in April of 1978. At the time of this writing (November, 1978), the complaint had not been resolved.

The Board handles many more informal complaints than formal ones. Formal complaints, as that term is used by the Board, are those complaints in which the complainant requests that some official Board action be taken in the given situation. All other complaints are informal.

EVALUATION ELEMENT #13

AN ANALYSIS OF THE SERVICES AND PERFORMANCE ESTIMATED
TO BE ACHIEVED IF THE AGENCY OR AGENCY PROGRAM WERE
CONTINUED.

If this agency or agency program were continued, the services and performance estimated to be achieved would be no different from those achieved in the past.

Table 1

HISTORY OF ENFORCEMENT

	1977 - 1978	1975 - 1976	1973 - 1974		
Number of licensed practitioners	320	310	297	287	264
Number of complaints processed vs. licenses	1	0	0	0	1
vs. non-licenses	1	3	1	1	1
Number of disciplinary hearings	1	0	0	0	0
Number of licenses revoked	0	0	0	0	0

LICENSING HISTORY

Table 2

1976	<u>Full Examinations</u>		
	Success	(7 of 12)	58.33%
	Failure	(5 of 12)	41.67%
	<u>Partial Examination</u>		
	Success	(1 of 4)	25.00%
	Failure	(3 of 4)	75.00%
1977	<u>Full Examination</u>		
	Success	(5 of 12)	41.67%
	Failure	(7 of 12)	58.33%
	<u>Partial Examination</u>		
	Success	(1 of 3)	33.33%
	Failure	(2 of 3)	66.67%
1978	<u>Full Examination</u>		
	Success	(2 of 5)	40.00%
	Failure	(3 of 5)	60.00%
	<u>Partial Examination</u>		
	Success	(5 of 10)	50.00%
	Failure	(5 of 10)	50.00%

NORTH CAROLINA BOARD OF LANDSCAPE ARCHITECTS

Budget/Fiscal Year: July 1, 1977 through June 30, 1978

CASH ON HAND, July 1, 1977 \$ 5,457.01

RECEIPTS

Application Fees	\$ 475.00
Examination Fees	550.00
License by Reciprocity	200.00
Renewal Fees	6,300.00
Late Renewal Penalties	230.00
Sale of Rosters	73.00
Corporate Registration Fees	150.00
Sale of Equipment	37.50
Miscellaneous	<u>2.70</u>

TOTAL RECEIPTS 8,018.20

TOTAL AVAILABLE FUNDS \$13,475.21

EXPENSES

Administrative Services	\$ 3,358.47
Advertising (Notices)	55.38
Attorney Fees	1,883.28
Bank Service Charges	6.13
Board Members Travel and Per Diem	1,384.02
Equipment	106.70
Examination Expense	856.40
Miscellaneous	5.00
Postage and Box Rent	208.50
Printing	105.96
Supplies	15.30
Telephone Expense	524.91
Intangibles Tax	3.82
Returned Check	<u>25.00</u>

TOTAL EXPENSES \$ 8,539.87

CASH ON HAND, June 30, 1978 4,936.34

TOTAL EXPENSES AND RESERVE \$13,475.21

	BUDGETS:	1977-78	1978-79
<u>Cash on Hand</u>		\$5,457.01	\$4,936.34
<u>Receipts</u>			
Renewal fees		6,300.00	6,000.00
Application fees		457.00	500.00
Examination fees		550.00	500.00
Licenses by reciprocity		200.00	250.00
Late renewal fees		230.00	350.00
Corporation registration fees		150.00	-
Temporary permits		-	100.00
Sale of Rosters		73.00	-
Sale of equipment		37.50	-
Miscellaneous		2.70	-
		<hr/>	<hr/>
Total Receipts		\$8,018.20	\$7,700.00
Total Available Funds		\$13,475.21	\$12,636.34
<u>Expenses:</u>			
Administrative Services		3,358.47	3,300.00
Advertising (legal notice)		55.38	100.00
Attorney fees		1,883.28	77debt 625.00 78 " 2,500.00
Audit		-	'77debt 200.00 '78 " 200.00
Bank service charge		6.13	10.00
Bd. members tavel & per diem		1,384.02	1,500.00
CLARB dues		-	'77 debt 300.00 '78 " 300.00

BUDGETS:	1977-78	1978-79
Examination evaluation expense	856.40	850.00
Examination Cost	-	500.00
Miscellaneous supplies, equipment, etc.	127.00	100.00
Office Expense	-	100.00
Postage and box rent	208.50	300.00
Printing	105.96	400.00
Telephone	524.91	600.00
Intangible tax	3.82	-
Returned check	25.00	-
Total:	\$ 8,538.87	11,885.00
Cash on hand:	<u>4,936.34</u>	<u>751.34</u>
	\$13,475.21	\$12,636.34

NORTH CAROLINA BOARD OF LANDSCAPE ARCHITECTS
BUDGETARY COST BREAKDOWN BY FUNCTION

<u>FUNCTION</u>	<u>% OF BUDGET</u>	<u>COST ANNUALLY</u>
<u>Licensing:</u> Responding to Request for Information, Review of Applications Administration of UNE Reciprical Agreements and other daily operations	62.5%	\$5,000.00
<u>Enforcement of the Statute:</u>	10.0%	800.00
<u>Rules and Regulations:</u> Public hearings, changes to Rules and Regulations, Filing, Advertising, etc.	27.5%	2,200.00
	<hr/> 100%	<hr/> \$8,000.00

NOTE: This is a generalized approximation of the budget as shown on earlier submissions to the Commission.

